

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

JARRETT JAMES,

Defendant.

ORDER

07-cr-163-bbc

Just before the jury returned its verdict of guilty against defendant Jarrett James on two counts of bank robbery and two counts of brandishing a weapon, defendant advised the court that if the jury found him guilty on the substantive counts of the indictment he was willing to waive a trial on the fifth count of the indictment for the forfeiture of the 2000 Lexus he was accused of using in the course of the second robbery. The issue of forfeiture is before the court for determination.

From the evidence adduced at trial on the robbery and gun counts, I find that the government has established the requisite nexus between the Lexus described in count five of the indictment and the bank robbery committed on April 14, 2006 that is the subject of count 3 of the indictment. That evidence included the testimony of Sgt. Darrin Zimmerman

of the Middleton, Wisconsin police department that he found an advertisement for the Lexus when he opened a safe belonging to defendant on November 3, 2006, pursuant to a search warrant; John Valenza's testimony that the advertisement Zimmerman retrieved was the one he had placed in the window of the Lexus he was trying to sell in late April 2006; and his testimony that an African American male had paid him \$15,500 for the car in crisp one hundred dollar bills without making any effort to negotiate the price or asking for a test ride; the testimony of bank tellers that defendant had taken \$58,700 in cash from Bank Mutual on April 14, 2006; deputy Theodore Fitzsimmons's testimony that he made a traffic stop of a silver Lexus ES 300 in Omaha, Nebraska on May 14, 2006, and that defendant was a passenger in the vehicle at the time; and Fitzsimmons's testimony that defendant had made an obviously false statement to him at the time about the purchase of the vehicle. In addition to this testimony, the government introduced into evidence the certified title history of the Lexus showing that defendant had purchased a silver Lexus ES 300, vehicle identification number JT8BF28GXY 5085768 from John Valenza and filed an application for title in his own name on April 24, 2006.

The government's evidence was more than sufficient to find the Lexus forfeitable. Accordingly, I find the Lexus traceable to the offense charged in count 3 of the indictment and will order it forfeited.

ORDER

IT IS ORDERED that the silver 2000 Lexus ES 300, vehicle identification number JT8BF28GXY 5085768, described in count five of the indictment returned against Jarrett James is FORFEITED to the United States Government.

Entered this 7th day of July, 2008.

BY THE COURT:

Barbara B. Crabb

BARBARA B. CRABB
District Judge